



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,713	07/19/2006	Suhung-Gwon Kim	2443.0030000	9873

26111 7590 12/16/2008
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

RAJ, RAJIV J

ART UNIT	PAPER NUMBER
----------	--------------

3686

MAIL DATE	DELIVERY MODE
-----------	---------------

12/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,713	Applicant(s) KIM, SUHUNG-GWON	
	Examiner RAJIV J. RAJ	Art Unit 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 08 August 2008.
2. Claims 1-8 have been amended.
3. Claims 1-8 are currently pending and have been examined.

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. In light of Application's amendment of claims 2, the previous rejection is withdrawn.
7. Claims 5-8 currently recite the phrase "*providing, by the service-providing system*". However, while the current claim language recites "*providing*", it does not provide a positive recitation of a step of "*providing*". It is therefore unclear whether the step of "*providing, by the service-providing system* " is actually performed as a part of the Applicant's invention. (i.e. lies within the metes and bounds of the Applicant's invention.)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, Jr. et al. (US 5823948) (hereinafter Ross) in view of Campbell et al. (US 6047259) (hereinafter Campbell).

Claim 1

Ross as shown, discloses the following limitations:

- *building, by a service-providing system, a database of standard terms, wherein the step of building the database of standard terms includes: selecting a plurality of terms as the standard terms, wherein the selected plurality of terms are at least one of terms regarding cardinal symptoms of patients used as a variety of names by doctors or nurses, diagnosis names, operation names, terms used upon writing of the status of patients by nurses,*

- terms used upon writing of the status of the patients by doctors, prescription terms used by the doctors, and medicine terms; (see at least Ross Column:2 Lines:49-66)*
- *wherein the providing the standard terms through the web screen includes providing each standard term as one of a selection item and a check item or providing the standard terms as selection items applicable to writing of a statement sentence; (see at least Ross Column:9 Lines:20-35 Column:5 Lines:52-56)*
 - *storing the standard terms in the database, wherein the plurality of terms selected as the standard terms include terms extracted from terms used in existing medical records; (see at least Ross Fig:3 Items:105-114 & related text)*

Ross does not disclose the following limitation, however Campbell, as shown does:

- *providing, by the service-providing system, the standard terms through a web screen, the web screen being executed on at least one of a doctor terminal, a nurse terminal, an examination room staff terminal, and a general medical affair terminal connected to the service-providing system over a network, (see at least Campbell Fig:1, 2 and related text)*

It would have been obvious to one of ordinary skill in the art to add the feature of Campbell into Ross. One of ordinary skill in the art would have added this feature to Ross with the motivation of providing a more cost efficient method of standardizing medical

information, for more accurate medical diagnoses. (see at least Campbell Column:1 Lines:16-32)

Claim 2

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- *mapping, by the service-providing system, the standard terms in the database to standard codes; (see at least Ross Column:12 Lines:35-47)*

Claim 3

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- *at least one term of the selected plurality of terms matches one of terms regarding cardinal symptoms for patients, the diagnosis names, the operation names, the prescription terms used by the doctors, and the medicine terms, wherein the at least one term of the selected plurality of terms is a standard term provided as one of a selection item and a check item; (see at least Ross Column:5 Lines:2-10)*

Claim 4

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- wherein the selected plurality of terms include terms used upon writing of the status of the patients by nurses or the terms used upon writing of the status of the patients by doctors, wherein such terms of the selected plurality of terms are standard terms

provided as selection items applicable to writing of the statement sentence; (see at least Ross Column:9 Lines:20-41)

Claim 5

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- *providing, by the service-providing system, through the web screen, at least one of a modify function, a delete function and an add function for management of the standard terms in the database, and a standard statement sentence write function; (see at least Ross Column:13 Lines:48-58)*
- *wherein the modify function permits a manager to modify a standard term in the database. the delete function permits the manager to delete a standard term from the database, the add function permits the manager to add a standard term to the database, and the standard statement sentence write function permits the manager to combine standard terms into a standard statement sentence that may be later used to write a medical record; (see at least Ross Fig:3 Items:107-113 & related text)*

Claim 6

The combination of Ross/Campbell disclose all of the limitations of claim 2. Ross further discloses the following limitations:

- *providing, by the service-providing system, through the web screen, at least one of a modify function, a delete function and an add function for management of the*

standard terms in the database, and a standard statement sentence write function;
(see at least Ross Column:13 Lines:48-58)

- *wherein the modify function permits a manager to modify a standard term in the database. the delete function permits the manager to delete a standard term from the database, the add function permits the manager to add a standard term to the database, and the standard statement sentence write function permits the manager to combine standard terms into a standard statement sentence that may be later used to write a medical record; (see at least Ross Fig:3 Items:107-113 & related text)*

Claim 7

The combination of Ross/Campbell disclose all of the limitations of claim 3. Ross further discloses the following limitations:

- *providing, by the service-providing system, through the web screen, at least one of a modify function, a delete function and an add function for management of the standard terms in the database, and a standard statement sentence write function.*
(see at least Ross Column:13 Lines:48-58)
- *wherein the modify function permits a manager to modify a standard term in the database. the delete function permits the manager to delete a standard term from the database, the add function permits the manager to add a standard term to the database, and the standard statement sentence write function permits the manager to combine standard terms into a standard statement sentence that may be later*

used to write a medical record; (see at least Ross Fig:3 Items:107-113 & related text)

Claim 8

The combination of Ross/Campbell disclose all of the limitations of claim 4. Ross further discloses the following limitations:

- *providing, by the service-providing system, through the web screen, at least one of a modify function, a delete function and an add function for management of the standard terms in the database, and a standard statement sentence write function; (see at least Ross Column:13 Lines:48-58)*
- *wherein the modify function permits a manager to modify a standard term in the database, the delete function permits the manager to delete a standard term from the database, the add function permits the manager to add a standard term to the database, and the standard statement sentence write function permits the manager to combine standard terms into a standard statement sentence that may be later used to write a medical record; (see at least Ross Fig:3 Items:107-113 & related text)*

Response to Arguments

10. Applicant's arguments received on 08 August 2008 have been fully considered but they are not persuasive. Applicants' arguments will be addressed herein below in the order in which they appear in the response filed 08 August 2008.

11. In response to Applicant's argument supporting the amended limitations of claims 1-8 the Examiner respectfully points out that the changes to amended limitations are merely semantic, and the changes in claim language to the amended claims do not change the merit or meaning of the amended claims.

12. In response to Applicant's argument supporting the additions claim-language for added limitations, 1, 3 & 5-8, the Examiner respectfully points out that the added claim language is rejected over the cited prior art. The Examiner notes that the amended and added claims were not in the previously pending claims as such, Applicant's remarks with regard to the applications of the prior art used in the first Non-Final Office Actions to the amended and added claims are moot in light of the addition of the newly cited prior art references as disclosed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJIV J. RAJ whose telephone number is (571) 270-3930. The examiner can normally be reached on Monday thru Friday 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-

1000.

/RJR/, Art Unit 3626

12/02/08

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686